

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7035

BILL NUMBER: HB 1288

NOTE PREPARED: Jan 5, 2006

BILL AMENDED:

SUBJECT: Military Family Leave.

FIRST AUTHOR: Rep. Avery

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes an unpaid leave of absence for the spouse or parent of a person called to active duty in the United States armed forces or the National Guard for deployment overseas. The bill provides that the total leave may not exceed 15 days for a spouse or 10 days for a parent.

The bill requires an employee to provide notice before taking the leave. It also allows an employer to require a certification from the proper military authority to verify the employee's eligibility for the leave. The bill requires an employee to be restored to the position that the employee held before the leave or an equivalent position.

The bill requires an employer to permit an employee who is taking a leave to continue the employee's health care benefits at the employee's expense. It also allows the employer and the employee to negotiate to have the employer pay for the benefits. The bill provides legal and equitable remedies for violations.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The bill requires an employer, who employs at least 50 employees for each working day during each of at least 20 calendar workweeks, to allow an employee that is a parent or spouse of a person called to active duty for deployment overseas in the armed forces or the National Guard to receive family military leave. The bill would affect state and political subdivisions of the state.

An employee is entitled to an unpaid leave of absence during the period federal or state deployment orders are in effect. The leave may not to exceed a total of 15 days for a spouse or 10 days for a parent. Employees are

responsible for paying their own benefits while on family military leave. Family military leave is in addition to regular vacation, sick, or other leave to which an employee is entitled.

The bill allows an employee who is denied family military leave to bring a civil action against their employer.

This bill could result in indeterminable productivity losses which may occur from current staff having to absorb the temporary workload changes or the productivity losses which might occur when an employee takes unpaid leave. This impact could occur in both state and local government agencies.

Background Information: In 2005, there were approximately 1,010 active U.S. armed forces in Indiana. There were 13,271 active Indiana National Guard members as of January 2006.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: All state agencies.

Local Agencies Affected: Political subdivisions.

Information Sources: Lt. Col Gerald Hadley, Office of the Adjutant General.

Fiscal Analyst: Sarah Brooks, 317-232-9559.